



## Ohio Administrative Code

### Rule 3745-51-196 Response to leaks or spills and disposition of leaking unfit-for-use tank systems.

Effective: June 12, 2023

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A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, shall be removed from service immediately, and the remanufacturer or other person who stores or treats the hazardous secondary material satisfy the following requirements:

(A) Cessation of use; prevent flow or addition of materials. The remanufacturer or other person who stores or treats the hazardous secondary material shall immediately stop the flow of hazardous secondary material into the tank system or secondary containment system and inspect the tank system or secondary containment system to determine the cause of the release.

(B) Removal of material from tank system or secondary containment system.

(1) If the release was from the tank system, the remanufacturer or other person who stores or treats the hazardous secondary material shall, within twenty-four hours after detection of the leak or, if the remanufacturer or other person who stores or treats the hazardous secondary material demonstrates that it is not possible, at the earliest practicable time, remove as much of the material as is necessary to prevent further release of hazardous secondary material to the environment, and to allow inspection and repair of the tank system to be performed.

(2) If the material released was to a secondary containment system, all released materials shall be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(C) Containment of visible releases to the environment. The remanufacturer or other person who stores or treats the hazardous secondary material shall immediately conduct a visual inspection of the release and, based upon that inspection:

(1) Prevent further migration of the leak or spill to soils or surface water; and



(2) Remove and properly dispose of, any visible contamination of the soil or surface water.

(D) Notifications, reports.

(1) Any release to the environment, except as provided in paragraph (D)(2) of this rule, shall be reported to the director within twenty-four hours after detection of the release. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.

(2) A leak or spill of hazardous secondary material is exempted from the requirements of this paragraph if the leak or spill is:

(a) Less than or equal to a quantity of one pound; and

(b) Immediately contained and cleaned up.

(3) Within thirty days after detection of a release to the environment, a report containing the following information shall be submitted to the director:

(a) Likely route of migration of the release;

(b) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(c) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data shall be submitted to the director as soon as these data become available.

(d) Proximity to downgradient drinking water, surface water, and populated areas; and

(e) Description of response actions taken or planned.

(E) Provision of secondary containment, repair, or closure.

(1) Unless the remanufacturer or other person who stores or treats the hazardous secondary material



satisfies the requirements of paragraph (E)(2) to (E)(4) of this rule, the tank system shall cease to operate under the remanufacturing exclusion in paragraph (A)(27) of rule 3745-51-04 of the Administrative Code.

(2) If the cause of the release was a spill that has not damaged the integrity of the tank system, the remanufacturer or other person who stores or treats the hazardous secondary material may return the tank system to service as soon as the released material is removed and repairs, if necessary, are made.

(3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the primary tank system shall be repaired prior to returning the tank system to service.

(4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the remanufacturer or other person who stores or treats the hazardous secondary material shall provide the component of the tank system from which the leak occurred with secondary containment that satisfies the requirements of rule 3745-51-193 of the Administrative Code before the tank system can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component shall be repaired and may be returned to service without secondary containment as long as the requirements of paragraph (F) of this rule are satisfied. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component shall be provided with secondary containment in accordance with rule 3745-51-193 of the Administrative Code prior to being returned to use.

(F) Certification of major repairs. If the remanufacturer or other person who stores or treats the hazardous secondary material has repaired a tank system in accordance with paragraph (E) of this rule, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system shall not be returned to service unless the remanufacturer or other person who stores or treats the hazardous secondary material has obtained a certification by a qualified professional engineer that the repaired system is capable of handling hazardous secondary materials without release for the intended life of the tank



system. This certification shall be kept on file at the facility and maintained until closure of the facility.

[Comment 1: The director, on the basis of any information received that there is or has been a release of hazardous secondary material or hazardous constituents into the environment, may issue an order under section 3734.20 and Chapter 6111. of the Revised Code requiring corrective action or such other response as deemed necessary to protect human health or the environment.]

[Comment 2: 40 CFR Part 302 may require the owner or operator to notify the "National Response Center" of certain releases.]

[Comment 3: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]